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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,237	09/20/2001	Lyle Joseph Chamberlain	TUC920010065US1 502.64US0	4066
7590	11/22/2004		EXAMINER DESIRE, GREGORY M	
David W. Lynch Crawford Maunu PLLC 1270 Northland Drive, Suite 390 Mendota Heights, MN 55120			ART UNIT 2625	PAPER NUMBER

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,237

Applicant(s)

CHAMBERLAIN, LYLE JOSEPH

Examiner

Gregory M. Desire

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,11-13,17-19,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-4,8-10,14-16 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-6, 7, 11-12, 13, 17-18, 19 and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Reasoner et al (6,634,553).

Regarding apparatus, method, article of manufacture and system claims 1, 7, 13 and 19 Reasoner discloses,

A picker assembly (fig. 1 block 10 in connection with col. 5 line 1);

Illumination sources disposed at the front of the picker assembly for illuminating an object (note col. 5 line 4-6, led illumination source);

An imager disposed on the front of the picker assembly for gathering image data of the object (note col. 5 lines 8-9, ccd is the imager)

A processor, coupled to the imager and illumination sources, for thresholding the image data obtained from the imager and for controlling the illumination source (note col. 5 lines 27-29, processor mounted to picker to control the device)

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Wherein the processor uses bounding boxes to identify the location of a desired physical feature in the thresholded image (note col. 4 lines 30-32, examiner interprets the storage slots as a bounding boxes).

Regarding apparatus, method, article of manufacture and system claims 5, 11, 17 and 23 Reasoner discloses,

Wherein the desired physical feature comprises a top left intersection of a vertical and horizontal member of a cartridge cell within a tape library system (note col. 4 lines 43-44, array comprises location in a data cartridge).

Regarding apparatus, method, article of manufacture and system claims 6, 12, 18 and 24 Reasoner discloses,

Wherein the position of the intersection relative to the image is used to calibrate the physical position of the picker assembly (note col. 3 lines 62- col. 4 line 7, picker is moveable directed by a control system).

Allowable Subject Matter

3. Claims 2-4, 8-10, 14-16 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter for claims 2, 8, 14 and 20. The prior art fails to teach the specific limitation of the processor locating bounding box as claimed. These features, in

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combination with other limitations, are not taught in the prior art. Claims 3-4, 9-10, 15-16 and 21-22 depend on claims 2, 8, 14 and 20. Therefore are also objected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on M-F (8:30-6:00) Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner

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G.D.

November 12, 2004

Gregory Diano